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August 1, 2023

VIA PACER

Honorable David S. Jones
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Jefferies, LLC and Jefferies Group, LLC v. Rick Alan Davidson
Adv. Pro. No. 19-1395 (DSJ)

Dear Judge Jones:

This firm represents plaintiffs Jefferies, LLC and Jefferies Group, LLC (collectively, “Jefferies”) in the above referenced adversary proceeding. We write to advise the Court that the fact discovery end date expired over one month ago, on June 30, 2023. Defendant’s counsel has not sought an extension of that deadline, nor scheduled any depositions. Accordingly, Jefferies respectfully requests that the Court enter a pretrial order setting deadlines for expert witness discovery and dispositive motion practice.

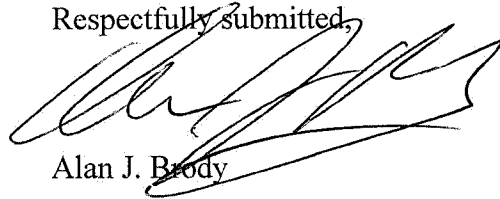
As the Court is aware, Jefferies commenced this adversary proceeding over 3 ½ years ago, on November 11, 2019. The fact discovery end date has been extended on consent of the parties eleven times, most recently by endorsed order dated April 25, 2023 [Dkt. No. 36] based on counsel’s representation that the parties are working diligently to schedule defendant Rick Davidson’s deposition and the deposition of a Jefferies corporate representative or other depositions defendant may have sought. Since the last extension of the fact discovery end date, Jefferies completed Mr. Davidson’s deposition on May 1. During Mr. Davidson’s deposition, Jefferies disclosed to Defendant’s counsel the name of Jefferies’ corporate representative. Yet, since Mr. Davidson’s deposition, there has been no request for fact discovery by Defendant whatsoever.

Defendant has had months to depose witnesses, but since Mr. Davidson’s deposition on May 1, 2023, has made no effort whatsoever to schedule any deposition, or otherwise provide available dates for doing so. In light of the foregoing, to avoid any additional delay in litigating this matter, Jefferies respectfully submits that a pretrial order setting deadlines for expert witness discovery and dispositive motion practice is appropriate.

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We appreciate the Court's courtesies and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan J. Brady", is written over the typed name.

Alan J. Brady

AJB:pc

cc: Neal Brickman, Esq. (Via electronic mail)